

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE NATIONAL ELEVATOR)	
INDUSTRY PENSION, HEALTH BENEFIT,)	
EDUCATIONAL, ELEVATOR INDUSTRY)	
WORK PRESERVATION FUNDS, ELEVATOR)	No. 08 C 03510
CONSTRUCTORS ANNUITY AND 401(K))	
RETIREMENT PLAN,)	Hon. Rebecca R. Pallmeyer
Plaintiffs,)	
-vs-)	
)	
BUDGET ELEVATOR, INC. and JAMES FIORE,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR
DEFAULT JUDGMENT AGAINST BUDGET ELEVATOR, INC.**

NOW COME the Plaintiffs, TRUSTEES OF THE NATIONAL ELEVATOR INDUSTRY PENSION, HEALTH BENEFIT AND EDUCATIONAL FUNDS, ELEVATOR INDUSTRIY WORK PRESERVATION FUNDS, ELEVATOR CONSTRUCTORS ANNUITY AND 401(K) RETIREMENT PLAN ("Trustees") by and through their attorneys, BERGLUND & MASTNY, P.C., and for their Motion For The Entry of Default Judgment against Budget Elevator, Inc. state as follows:

1. Defendant, Budget Elevator, Inc., was served with Summons and Complaint on June 24, 2008 [Doc. 11].
2. Defendant, Budget Elevator, Inc. has failed to file its Appearance, Answer or otherwise plead in this matter.
3. Defendant owes the sum of \$9,060.00 in contributions, \$1,812.00 in liquidated damages, and \$1,812.00 in interest for the period from June 1, 2007 through July 9, 2007. See attached Exhibit A: Declaration of Robert O. Betts, Jr. at ¶¶ 10-14.

4. Pursuant to Section 502(g)(2) of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. 1132(g)(2), Defendant owes the sum of \$1640.00 in attorney's fees and \$438.32 in costs. See attached Exhibit B: Declaration of Joseph P. Berglund.

WHEREFORE, Plaintiffs move this Honorable Court to enter a Default Judgment against Budget Elevator, Inc., in the total amount of \$13,699.26, which represents delinquent contributions of \$9,060.00, plus interest of \$748.94, liquidated damages of \$1,812.00 on all unpaid contributions, attorneys fees of \$1,640.00 and costs of \$438.32, and for such other relief deemed just and equitable.

Respectfully submitted,

TRUSTEES OF THE NATIONAL ELEVATOR
INDUSTRY PENSION, HEALTH BENEFIT,
EDUCATIONAL, ELEVATOR INDUSTRY WORK
PRESERVATION FUNDS, ELEVATOR
CONSTRUCTORS ANNUITY AND 401(K)
RETIREMENT PLAN

By: /s/Joseph P. Berglund
One of Their Attorneys

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